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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-seventh session

SUMMARY RECORD OF THE 1st MEETING

**Held at the Palais des Nations, Geneva,
on Monday, 31 July 1995, at 10.30 a.m.**

Temporary Chairman: Mrs. ATTAH
Chairman: Mr. MAXIM

CONTENTS

OPENING OF THE SESSION

STATEMENT BY THE OUTGOING CHAIRMAN

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

ELECTION OF OFFICERS

TRIBUTE TO THE MEMORY OF THE VICTIMS OF ETHNIC CLEANSING IN BOSNIA AND HERZEGOVINA

ADOPTION OF THE AGENDA

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GE.95-13169 (E)

The meeting was called to order at 11 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRMAN declared open the forty-seventh session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

STATEMENT BY THE OUTGOING CHAIRMAN

2. The TEMPORARY CHAIRMAN said that she was deeply grateful to her colleagues for all the assistance they had given her during her term of office as the Chairman of the forty-sixth session. She also wished to thank the High Commissioner for Human Rights, the Assistant Secretary-General for Human Rights and the staff of the Centre for Human Rights for the help and advice which they had provided on many occasions.

3. She noted that, since the previous session, there had been a few noticeable positive developments in the worldwide human rights situation. Despite those positive developments, however, flagrant violations of human rights and fundamental freedoms had continued to occur in many parts of the world. In Bosnia and Herzegovina, the conflict had recently escalated, and Liberia and other countries were still in the throes of civil war which had caused untold hardships to millions of people. The international community needed to redouble its efforts to find lasting solutions to those conflicts.

4. The Sub-Commission had made substantial contributions to human rights in past years, particularly in the drafting of human rights instruments, in monitoring the human rights situations in many countries and in initiating studies and producing very valuable reports. Its most significant achievement in 1994 had been the draft United Nations declaration on the rights of indigenous peoples, which had been submitted to the Commission on Human Rights after more than 10 years of work and could be regarded as one of the most significant human rights instruments. Mrs. Daes, the Chairperson of the Working Group on Indigenous Populations which had drafted the declaration, and her colleagues were to be congratulated on their efforts.

5. On the basis of the recommendation of the forty-sixth session of the Sub-Commission, the recent substantive session of the Economic and Social Council had approved the establishment of a similar working group to consider minority problems. While the organizational structures and mandates of both the Working Group on Indigenous Populations and the Working Group on Minorities differed considerably, their aims were identical. The successful implementation, promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities would be the most important single achievement of the United Nations in the present century. During the present session, the Sub-Commission would need to give further consideration to ways of helping the Working Group to achieve the desired results.

6. It was essential to ensure that all forms of rights, whether civil and political or social and economic, were promoted and enjoyed by all citizens. The Sub-Commission needed to remain faithful to the Vienna Declaration and Programme of Action which gave equal emphasis to all forms of rights. The

promotion of economic, social and cultural rights was a matter of particular urgency, given that about one fifth of the world's population still lived in abject poverty. The realization of those rights would advance the attainment of civil and political rights including democracy. One option open to the Sub-Commission during the present session was to consider the possibility of commissioning a study on the effects of the new international trade regime, particularly the World Trade Organization, on national development and the full enjoyment and realization of all human rights and fundamental freedoms. The purpose of such an initiative would be to propose practical solutions. However, she wished to emphasize the importance of implementing the Declaration of the Right to Development as a crucial instrument in the realization of economic, social and cultural rights and the promotion of all human rights, democracy and development.

7. With regard to the question of women's rights, it was to be expected that the Fourth World Conference on Women to be held in Beijing would propose practical solutions to the ever-increasing problem of violence against women. The Sub-Commission for its part should continue to condemn such violence, which was detrimental to women and to development in general, and might usefully propose a study on human rights and gender discrimination.

8. In the year which marked the fiftieth anniversary of the United Nations, the Sub-Commission needed to reflect on its successes and its failures and to revise its own working methods in order to avoid accusations of selectivity, double standards and partiality. Guided by compassion, it should resolve to promote all human rights fairly and equally, with the ultimate goal of making the twenty-first century a century of peace and freedom, in which human rights violations would be a thing of the past and all human rights would be protected.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

9. Mr. AYALA LASSO (United Nations High Commissioner for Human Rights) said that the Sub-Commission was one of the key United Nations bodies for the promotion and protection of human rights and its current session would address many important issues. It was assured of the full support both of himself and of the staff of the Centre for Human Rights during the coming four weeks of intensive work.

10. The Sub-Commission's function as a "think-tank" had often been emphasized. As such, it would again be called upon to play an important part in the implementation of the Vienna Declaration and Programme of Action adopted by the 1993 World Conference on Human Rights. By reason of its expertise and close contacts with the NGO community, the Sub-Commission was particularly well placed to provide guidance on how United Nations activities, including preventive action, could be focused to improve the actual enjoyment of human rights, and on ways of evaluating and further enhancing the effectiveness of such activities. As High Commissioner for Human Rights, he relied very much on the advice, experience and constructive criticism provided by the Sub-Commission which, he hoped, would establish a permanent dialogue with him on matters of common concern.

11. In a year in which the United Nations was celebrating its fiftieth anniversary and on the threshold of the twenty-first century, there was undoubtedly a world movement in favour of human rights. Nevertheless, human rights tragedies continued to cast a shadow, particularly the recent events in Bosnia and Herzegovina, with the fall of Srebrenica and Zepa and the attacks against the "safe areas" guaranteed by the international community. Reports of ethnic cleansing, thousands of refugees and displaced persons, women being raped, children deprived of shelter and the suffering of the elderly and the wounded gave rise to the greatest concern. He appealed to all those responsible for human rights violations in Bosnia and Herzegovina to end those atrocities; he personally would spare no effort to ensure that the people of Bosnia and Herzegovina might again live in peace and in the full enjoyment of their human rights.

12. Special tribute was due to the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, Mr. Tadeusz Mazowiecki, who had resigned during the previous week. Mr. Mazowiecki's moral strength, impartiality and dedication to human rights had commanded respect and provided his mandate with a high authority. He had made a valuable contribution to the efforts of the United Nations to protect human rights in the territory of the former Yugoslavia.

13. Turning to the human rights field operation in Rwanda, which the United Nations had launched one year earlier in response to the acts of genocide and massive human rights violations in that country, he noted that the operation continued to fulfil its mandate with regard to investigations into genocide and serious violations of international human rights and humanitarian law, monitoring the human rights situation, promoting a climate of tolerance and confidence particularly in respect of the return of refugees and internally displaced persons, and through technical cooperation activities, including human rights education. The technical cooperation efforts in particular were gaining momentum.

14. Some months previously, he had drawn the attention of the international community to the human rights problems in Burundi and had called for appropriate action to prevent further deterioration. After his third visit to the country, he had appealed to the international community to take action in order to prevent a repetition in Burundi of the tragedy which had already unfolded in Rwanda, stressing that preventive action aimed at promoting respect for human rights and strengthening democracy, tolerance and the rule of law was essential if the crisis was to be resolved. That appeal remained as valid now as ever before. He had decided to increase the number of international staff providing technical assistance in his office in Bujumbura from 2 to 10. An agreement had also been reached concerning the gradual deployment of 35 human rights observers, and the European Union had expressed its willingness to provide financial support for that operation. The observers would contribute to the promotion of human rights, assist in the solution of human rights problems, strengthen the climate of confidence and safety among the population in order to encourage the return of refugees and internally displaced persons, and participate in the reconstruction of the civil society and democratic institutions. Their activities could significantly improve a very difficult situation.

15. Ever since its inception, the United Nations had been engaged in combating racism and racial discrimination. In 1993, the General Assembly, alarmed by the resurgence of racism, xenophobia and the emergence of a climate of intolerance, had proclaimed the Third Decade to Combat Racism and Racial Discrimination and had adopted a programme of action aimed at stimulating action in that area at local, national and international levels.

16. All member States, all United Nations human rights bodies and mechanisms, all programmes and specialized agencies of the United Nations system, and all regional organizations as well as NGOs were already engaged in such a global strategy and working towards specific objectives. Following a recommendation by the Sub-Commission, a Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had been appointed by the Commission on Human Rights. His reports had shown that racism, racial discrimination and intolerance still persisted in many countries, often in acute forms. In some countries, racist propaganda and incitation to racial and ethnic hatred led to violence and death.

17. The Sub-Commission and the Committee on the Elimination of Racial Discrimination (CERD) had entered into a constructive dialogue, in which the Special Rapporteur might also usefully become involved, in order to elaborate a comprehensive, coherent and efficient strategy to combat racism. In that context, he wished to recall the timely initiative of CERD concerning the establishment of an early warning mechanism aiming at the prevention of crises and conflicts. Such a mechanism could include a representative of his Office, representatives of the Sub-Commission and the Special Rapporteur. Joint meetings of the Sub-Commission, CERD and the Special Rapporteur could also be envisaged to discuss such issues and put forward specific recommendations to combat racism.

18. The Sub-Commission had always been at the heart of United Nations efforts to combat racism and racial discrimination and to promote tolerance. In 1994, it had proposed a world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance. In 1995, the Commission on Human Rights and the Economic and Social Council had decided to recommend that the General Assembly should consider such a possibility at its fiftieth session. He would personally follow the matter and would spare no effort to that end.

19. Another major area of concern to the Sub-Commission was that of contemporary forms of slavery. In 1967, the Commission on Human Rights had asked the Sub-Commission to consider on a regular basis the question of slavery in all its forms, including the slavery-like practices of apartheid and colonialism. Since then, the Sub-Commission had made a significant contribution to United Nations achievements in eliminating those evils. Every year the Working Group on Contemporary Forms of Slavery, established in 1974, reviewed the status and the implementation of the conventions on slavery and slavery-like practices as well as developments in other contemporary forms of slavery, and submitted a report to the Sub-Commission. During its previous session, the Commission on Human Rights had expanded the mandate of the Working Group by authorizing it to establish contacts and dialogue between its members and Governments. During recent sessions, the Working Group had achieved a number of positive results, among which were the Programme of

Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and the Programme of Action for the Elimination of the Exploitation of Child Labour drafted by the Working Group and subsequently adopted by the Commission. In addition, the Sub-Commission was expected during its present session to complete work on the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others and to submit the final version of that draft to the Commission for adoption at its next session.

20. Another initiative had been the establishment of the Voluntary Trust Fund on Contemporary Forms of Slavery, established by the General Assembly in 1991. Its purpose was to assist representatives of non-governmental organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery as witnesses or victims of any form of exploitation or slavery and, through established channels, to extend aid to victims of contemporary forms of slavery. Owing to the lack of contributions, the Board of Trustees of the Voluntary Trust Fund had been able to meet only once. It was hoped that it would be able to establish guidelines for its activities and launch a campaign for contributions at its second meeting, which was due to take place from 28 August to 1 September 1995.

21. Recognizing that slavery, slavery-like practices and all forms of exploitation persisted in all parts of the world, the international community had particularly high expectations of the Sub-Commission in that area.

22. Turning to the question of indigenous populations, he noted that the thirteenth session of the pre-sessional Working Group on Indigenous Populations had taken place during the previous week. About 800 people had participated, including approximately 350 representatives of indigenous peoples. The efforts of the United Nations to promote the rights of indigenous peoples were now at a turning point. The Working Group had completed a draft United Nations declaration on the rights of indigenous peoples, on which further work would be done by a special working group of the Commission on Human Rights. With the preliminary completion of that work, other issues were now coming to the fore. Discussions were taking place on the establishment of a permanent forum for indigenous peoples within the United Nations system. Such a forum would give indigenous peoples a more prominent place in the United Nations and the opportunity to discuss their problems, develop solutions and implement programmes as equal partners. The creation of a partnership between Governments, the United Nations system and indigenous peoples themselves was the aim of the International Decade of the World's Indigenous People from 1995 to 2004. A programme of activities had been developed with the full participation of indigenous peoples; it was hoped that the programme would improve their access to the United Nations, the specialized agencies and the development institutions. At the same time, it was hoped that programmes might be developed to achieve direct improvements in the situation of many indigenous peoples.

23. Finally, he wished to draw the attention of the Sub-Commission to the International Day of Indigenous People, which would be celebrated for the first time on 9 August 1995. It marked the anniversary of the first formal contacts between the United Nations and indigenous peoples, when the Working

Group on Indigenous Populations met for the first time on 9 August 1982. The organizers cordially invited the members of the Sub-Commission to participate in the celebrations.

24. Another pre-sessional working group which would submit its report to the Sub-Commission was the Working Group on Communications, whose twenty-third session had been held during the previous two weeks. The Working Group was entrusted with the very sensitive task of selecting the communications to be placed before the Sub-Commission under the 1503 Procedure. During 1995 so far, the Working Group had had to consider more than 87,000 communications received since its last session, many of which it had kept pending, and a record number of government replies, many of them very substantive and detailed. In accordance with paragraph 8 of Economic and Social Council resolution 1503 (XLVIII), the Working Group reported confidentially to the Sub-Commission on the results of its deliberations. The selection of the Working Group would be made available to the members in confidential country dossiers well in advance of the consideration of communications. Because of the limited time available for the translation, typing and reproduction of such a volume of documents, it would not be possible to ensure translation of all the material into the working languages of the Sub-Commission and he hoped that the members would understand the logistical difficulty involved.

25. One of the two main areas of the Sub-Commission's original mandate had been the protection of minorities. A major milestone in that area would be the planned first session of the inter-sessional Working Group established under the terms of Commission resolution 1995/24 to promote the rights of persons belonging to minorities. The Working Group would be meeting from 28 August to 1 September, and its mandate included a number of tasks relating in particular to the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and to the examination of possible solutions to problems involving minorities including the promotion of mutual understanding between and among minorities and Governments. The Working Group was also expected to recommend further measures for the promotion and protection of the rights of persons belonging to minorities.

26. In that context, he wished to draw attention to the significant contribution made by the relevant treaty monitoring bodies, namely, the Committee on the Elimination of Racial Discrimination and the Human Rights Committee. In particular, the General Comment adopted by the Human Rights Committee regarding article 27 of the International Covenant on Civil and Political Rights helped to clarify many issues relating to the rights of persons belonging to minorities and thus contributed to the interpretation and promotion of recommendations contained in the Vienna Declaration and Programme of Action.

27. One of the Sub-Commission's main concerns had always been the human rights of persons subjected to any form of detention or imprisonment and, more generally, issues relating to human rights in the administration of justice. During the previous year, the sessional working group on the administration of justice and the question of compensation had made tangible progress and the

Commission on Human Rights had encouraged the Sub-Commission to continue to give consideration to the important issues relating to that specific field of human rights violations.

28. The Sub-Commission would be continuing its consideration of the question of the impunity of perpetrators of human rights violations on the basis of reports prepared by the two Special Rapporteurs, Mr. Guissé and Mr. Joinet. It would also have before it the eighth annual report on human rights and states of emergency prepared by the Special Rapporteur, Mr. Despouy, which contained the report of the meeting of experts on non-derogable rights in States or situations of emergency held in Geneva in May 1995, as well as the conclusions and recommendations on the subject formulated by Mr. Despouy himself.

29. It was important to recall that the administration of juvenile justice, and in particular the standards relating to juveniles deprived of their liberty, had become a subject of particular and increasing concern on the part of different sectors within the United Nations system. In 1994, a meeting of experts in Vienna had adopted a set of important recommendations on the human rights of detained juveniles (document E/CN.4/1995/100). Those recommendations, which would be before the Sub-Commission during the present session, had been endorsed both by the Commission on Human Rights in resolution 1995/41 and by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which had been held in Cairo from 29 April to 8 May 1995.

30. Turning to the issue of women's rights, he recalled that, in order to achieve the aim of integrating the human rights of women into the overall human rights programme, the World Conference on Human Rights had asked United Nations bodies and mechanisms to undertake systematic and regular reviews of women's issues. Since 1994, the Sub-Commission had included a separate item and sub-item relating to women on its agenda, and was thus in a good position to lead the way.

31. The area of economic, social and cultural rights had always merited the constant and decisive attention of the Sub-Commission. In 1995, a number of reports submitted by the special rapporteurs and prepared by the Secretariat would be before the Sub-Commission. They included a very important study on the right to adequate housing undertaken by Mr. Sachar, whose final report and recommendations would undoubtedly provoke an interesting discussion.

32. The important issue of human rights and poverty was the subject of the second interim report prepared by Mr. Despouy, the Special Rapporteur on that question. The conclusions and recommendations of the seminar on extreme poverty and the denial of human rights, held in New York in October 1994, as well as the documents of the World Summit for Social Development, would contribute to the Sub-Commission's debate on the issue.

33. Recalling that the Commission on Human Rights had endorsed the decision of the Sub-Commission to appoint Mr. Bengoa as Special Rapporteur on the relationship between the enjoyment of human rights and income distribution, he noted that the Sub-Commission during its present session would have before it the Special Rapporteur's preliminary report.

34. He also wished to draw the attention of the Sub-Commission to two reports of the Secretary-General. One of those reports contained a preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights. The other was a background document prepared by the Secretary-General on the relationship between the enjoyment of human rights, in particular international labour and trade union rights, and the working methods and activities of transnational corporations. The background document was based entirely on reports and studies of the United Nations system. The information on international labour and trade union rights had been compiled in close collaboration with the staff of the International Labour Organization, which had provided much appreciated assistance. Given the growing importance of transnational corporations in global economic activity and the implications of their activities for human rights, it was to be hoped that the Sub-Commission would decide on appropriate follow-up action.

35. Other issues that came up annually before the Sub-Commission included freedom of movement and, more specifically, the situation of migrant workers and the questions of human rights and population transfer; the issue of discrimination against HIV-infected people or people suffering from AIDS; traditional practices affecting the health of women and children; the implications of humanitarian activities for the enjoyment of human rights; the question of the elimination of all forms of intolerance and discrimination based on religion or belief; and human rights and disability. During its present session, the Sub-Commission was expected to discuss two items for which consideration had been postponed from the previous year, namely, the questions of human rights and scientific and technological development and international peace and security as an essential condition for the enjoyment of human rights.

36. The Sub-Commission's methods of work had always been a matter of special interest and concern to both the Sub-Commission and the Commission on Human Rights. The sessional working group established by the Sub-Commission in 1994 had produced a number of interesting recommendations which had been endorsed by the Sub-Commission, especially with regard to the consideration of agenda item 6. In its resolution 1995/26, the Commission on Human Rights had, inter alia, encouraged the Sub-Commission to continue to consider all reforms of its agenda and methods of work that promoted efficiency, better coordination with other organs and mechanisms in the field of human rights, and better dissemination of results. The Chairman of the Commission would inform the Sub-Commission on the Commission's debate on the Sub-Commission's work.

37. The Office for Inspections and Investigations, after reviewing the activities of the Centre for Human Rights in June 1994, had recommended that the Centre should be restructured so that it could respond more adequately to the programme of work as set out in the Vienna Declaration and Programme of Action and in the Medium-Term Plan. The implementation of that recommendation had been initiated at the beginning of 1995, and an internal assessment of the Centre's experience in the implementation of its work programme, in which all staff members had taken part, had been concluded by drawing up a list of comments and proposals made. Based on the information and ideas so generated, a detailed study was being carried out on how best to adapt the structure of the secretariat to the new priorities and to current and future needs. A firm

of consultants, Price Waterhouse, which specialized in management issues and had sound experience of advising other United Nations agencies, had been chosen to prepare the study. After receiving the contribution of the consultants and after taking into account all the inputs made, he would elaborate on the final decisions concerning the restructuring of the Centre with a view to strengthening the functional framework for integrated and consolidated activities. The new structure should be in place by the end of the year.

38. In conclusion, he hoped that the Sub-Commission would have a successful session and pledged his full support and that of the Centre for Human Rights.

ELECTION OF OFFICERS (item 1 of the provisional agenda) (E/CN.4/Sub.2/1995/1 and Corr.1 and Add.1)

39. The TEMPORARY CHAIRMAN invited nominations for the office of Chairman.

40. Mr. BOUTKEVITCH nominated Mr. Maxim.

41. Mr. CHERNICHENKO, Mr. KHALIFA, Mr. HATANO, Mr. BOSSUYT and Mr. LINDGREN ALVES seconded the nomination.

42. Mr. Maxim was elected Chairman by acclamation.

43. Mr. Maxim took the Chair.

44. The CHAIRMAN said that, if the Sub-Commission was to fulfil its mandate satisfactorily, one of the main questions which it would have to consider was the organization of its work within the possibilities afforded by the limited resources at its disposal, which there was almost no possibility of increasing. He therefore urged members to bear that in mind when making plans, preparing statements or submitting draft resolutions and decisions. In any case, long statements should be avoided. Another important factor determining the success of the Sub-Commission's work be the atmosphere in which it took place. The great importance which millions of human beings attached to finding solutions for the problems before the Sub-Commission inevitably required a sincere and responsible dialogue and cooperation among members.

45. At the opening of the fifty-first session of the Commission on Human Rights, the Assistant-Secretary-General for Human Rights had drawn attention to the importance of the fiftieth anniversary of the United Nations and of the submission of the first annual report of the United Nations High Commissioner for Human Rights. Both of those points were extremely pertinent for the Sub-Commission's work at its current session. Public opinion would no doubt be following the Sub-Commission's proceedings and would scrutinize its recommendations and decisions in the justified hope of seeing progress made in the promotion and protection of human rights, the effective safeguarding of which required, as the Assistant-Secretary-General for Human Rights had stated, the existence of an unambiguous political will on the part of Governments and an objective and efficient functioning of existing institutions, procedures and mechanisms.

46. The deliberations at the fifty-first session of the Commission on Human Rights and subsequent developments had clearly shown that violations of international human rights standards were still continuing at a disquieting level in all regions of the world and that there were still some particularly serious cases, such as the genocide in Rwanda and Burundi and the ethnic cleansing in the former Yugoslavia. The reports drawn up by various national and international entities, rapporteurs and NGOs painted a black picture of the frequency and seriousness of attacks on life and human dignity, although there was probably greater awareness that progress, democracy and development required that all human beings should have a chance of enjoying, without discrimination, all rights and fundamental freedoms and to participate in decision-making on matters relating to their lives and future. In his first annual report, the United Nations High Commissioner for Human Rights had rightly stressed that an essential element in advancing that process was the maintenance and development of a dialogue with Governments as the ultimate guarantors of respect for all human rights.

47. The fact that the Sub-Commission was meeting shortly before the session of the General Assembly at which the fiftieth anniversary of the United Nations would be celebrated provided an opportunity for paying particular tribute to the Organization, since in no other field of activity had it obtained such tangible and outstanding results as in that of human rights. The awareness and solidarity with regard to human rights matters shown in all continents were undeniably the result of the unflagging efforts made by the United Nations since its foundation, which had led to the establishment of an operational system for the international protection and promotion of human rights - an unprecedented achievement. As the High Commissioner for Human Rights had correctly stated, the history of the United Nations was to a large extent intermingled with the history of human rights, since without respect for human rights there could be no lasting peace and security nor any lasting economic and social development.

48. The year that had elapsed since the Sub-Commission's forty-sixth session had been marked by daily reports of violations of human rights in all regions of the world, in both rich and poor countries, as well as by increasingly sustained and concerted action, at the regional and world levels, to put an end to them. As an integral part of the United Nations machinery, the Sub-Commission would have to follow all those developments and learn from them, since the universality of human rights must be cultivated and transmitted to future generations. The Sub-Commission must be realistic and pragmatic in dealing with the situations to which it had to find a response. The defence of human rights formed part of the campaign for a better, democratic and prosperous society, and any serious and repeated disregard for them inevitably led to all kinds of crises, both within States and in relations between States. The work to be done by the Sub-Commission at its present session would help enhance understanding of the issues concerned and to make United Nations action in the human rights field even more effective.

49. He invited nominations for the offices of Vice-Chairman.

50. Mr. BOSSUYT nominated Mr. Eide, Mr. HATANO nominated Mr. Hakim and Mr. YIMER nominated Mr. Guissé for the three offices of Vice-Chairman.

51. Mr. Eide, Mr. Hakim and Mr. Guissé were elected Vice-Chairmen by acclamation.

52. The CHAIRMAN invited nominations for the office of Rapporteur.

53. Mrs. FERRIOL ECHEVARRIA nominated Mr. Bengoa.

54. Mr. Bengoa was elected Rapporteur by acclamation.

TRIBUTE TO THE MEMORY OF THE VICTIMS OF ETHNIC CLEANSING IN BOSNIA AND HERZEGOVINA

55. Mrs. WARZAZI said that she wished to congratulate Mr. Mazowiecki, the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, on his courage in speaking out against the dreadful suffering of the people of Bosnia and Herzegovina and on his subsequent resignation.

56. She proposed that the Sub-Commission should observe a minute of silence in tribute to the memory of all the innocent victims of ethnic cleansing in Bosnia and Herzegovina who had paid with their lives and dignity for their ideal of a multicultural and multireligious State.

57. At the invitation of the Chairman, the members of the Sub-Commission observed a minute of silence.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (E/CN.4/Sub.2/1995/1 and Corr.1 and Add.1)

58. The CHAIRMAN said that, pursuant to rule 7 of the rules of procedure, the Sub-Commission was required to adopt its agenda for the forty-seventh session. In that connection he drew the attention of members to the provisional agenda and the annotations contained in document E/CN.4/Sub.2/1995/1 and Corr.1 and Add.1.

59. Mrs. DAES proposed that the Sub-Commission should adopt an additional item entitled "The fiftieth anniversary of the United Nations in the Sub-Commission" as item 22 and that the two subsequent items should be renumbered accordingly.

60. The international community should celebrate the fiftieth anniversary of the United Nations by emphasizing the historic work which the Organization had accomplished during the 50 years of its existence and by agreeing on action-oriented measures in order to improve and strengthen its future work.

61. Mr. JOINET said that the Sub-Commission had agreed that item 12 should be taken up every two years. The item had been considered at the previous session and should therefore only be taken up again in 1996. In accordance with its new methods of work the Sub-Commission could only add a new item to its agenda if it deleted an existing item. If the Sub-Commission postponed item 12 until 1996 it would be possible to accommodate the proposal of Mrs. Daes.

62. Mrs. WARZAZI said that the French text of item 11 referred incorrectly to "the fundamental rights of women". The correct wording should be "the human rights of women" as stipulated by the Sub-Commission in resolution 1994/43.

63. The CHAIRMAN said that the English text of item 11 referred correctly to "the human rights of women". The French text would be amended accordingly.

64. Mr. EIDE said that the subject-matter of items 5, 21 and 18 were closely linked and the items might therefore be considered together.

65. Mrs. GWANMESIA proposed that item 7 (a) should become part of item 11.

66. The CHAIRMAN suggested that the Sub-Commission might wish to discuss item 11 immediately following its discussion on item 7 or vice versa.

67. Mr. KHAN said that he did not think it appropriate in item 7 to qualify the very general subject of the new international economic order with a particular subject in sub-item (a) - the human rights of women - that was not directly related to it. Item 7 (a) should rather be merged with item 11.

68. Mr. FAN Guoxiang said that the main point of item 7 was indeed the new international economic order and the promotion of human rights, and that was what should be emphasized. Although women and development could certainly be included under that topic, the item was in no way confined to women.

69. Mr. YIMER said that members must remember that there was a definite legislative history within the Sub-Commission and that the new international economic order and its impact on the promotion of human rights, including those of women, had always been discussed together.

70. Mrs. WARZAZI, supported by Mrs. ECHEVARRIA and Mrs. GWANMESIA, said that the human rights of women included every possible right and must therefore be included in the consideration of any item that might refer to the rights of women.

71. As a compromise she proposed that item 11 should become item 8 and the two items should then be discussed together but leaving each item with its own number.

72. Mr. EL-HAJJÉ said that the Commission on Human Rights had decided in resolution 1995/60, paragraph 2, that the Sub-Commission should consider at its forty-seventh session ways and means of overcoming obstacles to the consolidation of democratic societies, and he wondered under what item it would be considered.

73. Mrs. WARZAZI said that she assumed the officers would propose a detailed timetable for the consideration of items according to priority, with the understanding that, as a concession to the non-governmental organizations, item 6 would be the first to be taken up.

74. Mr. JOINET asked whether the decision to do so had been taken formally.

75. The CHAIRMAN read out Sub-Commission decision 1994/117, paragraph (b), stipulating that at its forty-seventh session, on an experimental basis, item 6 would be considered as soon as the agenda was approved.

76. Mr. JOINET observed that the decision was presumably not a final one because of the use of the term "experimental".

77. Mr. LINDGREN ALVES, drawing attention to paragraph 13 of the annotated agenda (E/CN.4/Sub.2/1995/1/Add.1), said that for the forty-seventh session at least the decision was indeed a final one.

78. Mr. YIMER pointed out that the Commission on Human Rights, in paragraph 7 of resolution 1995/26, had asked the Sub-Commission to re-evaluate its decision if necessary, but to do so in the light of the experience of the participants in the forty-seventh session.

79. The CHAIRMAN, in response to a query by Mr. JOINET, said that he did not know whether the Commission itself had decided to consider the equivalent item at the outset of its own sessions.

80. Mr. JOINET said that Governments and non-governmental organizations usually submitted voluminous documentation under item 6, all of which might not be available at the start of the session.

81. Mrs. WARZAZI observed that Governments and non-governmental organizations should have had ample time, because the decision on the scheduling of item 6 had been taken in the spring.

82. Mr. BENGOA drew attention to a possible impediment to considering item 6 as the very first item on the agenda: as indicated in paragraph 14 of the annotated agenda, it had been decided that the list of speakers on item 6 would be closed on the day before the opening of the debate on the item, thus necessitating at least a one-day delay.

83. The CHAIRMAN said that he would ask the officers to resolve that difficulty.

84. He took it that the Committee wished to adopt the agenda as amended, with the deletion of agenda item 12, the addition of the new agenda item proposed by Mrs. Daes, and the compromise proposal on items 7 and 11 by Mrs. Warzazi.

85. The provisional agenda (E/CN.4/Sub.2/1995/1 and Corr.1 and Add.1), as amended, was adopted.

The meeting rose at 12.55 p.m.